

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PAUL D. McCLAIN,

Plaintiff(s),

v.

CORINTHIAN COLLEGES, INC.,

Defendant(s).

Case No. 2:14-CV-695 JCM (VCF)

ORDER

Presently before the court are Magistrate Judge Ferenbach's report and recommendation. (Doc. # 22). Plaintiff McClain has not filed an objection and the deadline to do so has passed.

This matter involves Paul McClain's employment-discrimination action against defendant Corinthian Colleges. The parties negotiated a settlement offer. McClain accepted the settlement offer verbally through his attorney, but did not sign it. Defendant filed a motion to enforce settlement agreement. (Doc. # 14). Magistrate Judge Ferenbach issued his initial report and recommendation on January 29, 2015, recommending the motion to enforce settlement agreement be granted, except for the provisions relating to confidentiality, which are not enforceable. (Doc. # 18).

Plaintiff McClain filed an emergency motion for reconsideration (doc. # 19), which Magistrate Judge Ferenbach granted (doc. # 20). Upon reconsideration, Magistrate Judge Ferenbach affirmed his recommendation.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo

1 determination of those portions of the [report and recommendation] to which objection is made.”
2 28 U.S.C. § 636(b)(1).

3 Where a party fails to object, however, the court is not required to conduct “any review at
4 all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149
5 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a
6 magistrate judge’s report and recommendation where no objections have been filed. *See United*
7 *States v. Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review
8 employed by the district court when reviewing a report and recommendation to which no
9 objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003)
10 (reading the Ninth Circuit’s decision in *Reyna–Tapia* as adopting the view that district courts are
11 not required to review “any issue that is not the subject of an objection.”). Thus, if there is no
12 objection to a magistrate judge’s recommendation, then this court may accept the recommendation
13 without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a
14 magistrate judge’s recommendation to which no objection was filed).

15 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
16 whether to adopt the recommendation of the magistrate judge.

17 Upon reviewing the recommendation and underlying briefs, and in light of plaintiff’s
18 failure to object, this court finds good cause appears to ADOPT the magistrate’s findings in full.

19 Accordingly,

20 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Magistrate Judge
21 Ferenbach’s report and recommendation (doc. # 22) be, and the same here by are, ADOPTED in
22 full.

23 IT IS FURTHER ORDERED defendant’s motion to enforce settlement agreement be
24 GRANTED, except for the provisions relating to confidentiality, which are not enforceable. The
25 case is hereby dismissed in its entirety with prejudice on notice from defendant that the \$15,000
26 in consideration has been paid to plaintiff.

27 . . .

1 IT IS FURTHER ORDERED that Magistrate Judge Ferenbach's previous report and
2 recommendation (doc. # 18) is DENIED as moot.

3 DATED April 22, 2015.

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5 UNITED STATES DISTRICT JUDGE
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